Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	§	
	§	
Technology Transitions	§	GN Docket No. 13-5
	§	
Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers	§	RM-11358
	§	
Special Access for Price Cap Local Exchange Carriers	§	WC Docket No. 05-25
	§	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services	§	RM-10593

INITIAL COMMENTS OF THE TEXAS 9-1-1 ENTITIES

The Texas 9-1-1 Alliance,[1] the Texas Commission on State Emergency Communications,[2] and the Municipal Emergency Communication Districts Association[3] (collectively, the "Texas 9-1-1 Entities") respectfully submit the following initial comments to the Federal Communications Commission's (the "Commission's") Further Notice of Proposed

[1] The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 25 Texas emergency communication districts with E9-1-1 service and related public safety responsibility for more than approximately 62% of the population of Texas. These emergency communication districts were created pursuant to Texas Health and Safety Code Chapter 772 and are defined under Texas Health and Safety Code § 771.001(3)(B).

[2] The Texas Commission on State Emergency Communications ("CSEC") is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and by statute is the state program authority on emergency communications. CSEC oversees and administers the Texas state 9-1-1 program under which 9-1-1 service is provided in 214 of Texas' 254 counties, covering approximately two-thirds of the geography and one-fourth of the state's population.

[3] The Municipal Emergency Communication Districts Association ("MECDA") is an association of 26 municipal emergency communication districts, as defined under Texas Health and Safety Code § 771.001(3)(A), that are located primarily in the Dallas-Fort Worth area.

Rulemaking in the above-referenced proceedings, in which the Commission seeks an additional round of focused comments on specific proposals for possible criteria against which to measure "what would constitute an adequate substitute for retail services that a carrier seeks to discontinue, reduce, or impair in connection with a technology transition (*e.g.*, TDM to IP, wireline to wireless)."[4]

I. Responses to Further Commission Questions on Section 214 Discontinuances and 9-1-1 Service

A. The Commission must require that an "adequate substitute" service provide validated 9-1-1 "dispatchable address" information and all associated wireline 9-1-1 functionalities.

In the FNPRM, the Commission prudently identified two matters of the utmost importance with regard to the technology transitions at issue in these proceedings: (i) the ability of consumers to contact 9-1-1 and reach the appropriate Public Safety Answering Point ("PSAP"); and (ii) the ability of that same PSAP to receive accurate caller location information.[5] From that baseline perspective, the Commission preliminarily concluded that, with regard to Section 214 discontinuances of wireline service, any "adequate substitute" test should require a carrier to demonstrate that the substitute service (either offered by the requesting carrier or alternative services available from other providers in the relevant service area) complies with applicable state, tribal, and federal regulations regarding the availability, reliability, and required functionality of 9-1-1 service.[6]

The Commission seeks comment on its preliminary conclusion with regard to Section 214 discontinuances, as well as any possible alternatives. The Texas 9-1-1 Entities agree with

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[4] *In the Matter of Technology Transitions, et al.*, GN Docket No. 13-5 et al., Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 15-97 (rel. Aug. 7, 2015) ("FNPRM").

[5] FNPRM at ¶225.

[6] *Id.*

the Commission's preliminary conclusion if, as a threshold matter, the Commission's conclusion is correctly read to require, at a minimum, that the substitute service provide comparable 9-1-1 equivalent functionality to wireline 9-1-1 service.[7]

The reasonableness and justification for interpreting the Commission's preliminary conclusion to correctly require, at a minimum, comparable 9-1-1 equivalent functionality to wireline 9-1-1 service is the core of the Commission's more specific question on this matter:

> Specifically, should we base our evaluation on whether substitute services merely comply with any 9-1-1 regulations applicable to such services, or whether they provide as good–or better–9-1-1 functionality as the service(s) they replace? For example, would a fixed wireless service that complies with wireless 9-1-1 automatic location information (ALI) requirements be an adequate substitute for a traditional landline service that provides ALI to PSAPs at the street-address level, or would such a substitution be inadequate? [Footnotes in original omitted][8]

In the Commission's *Fourth Report and Order* in PS Docket No. 07-114 (the "4th R&O")[9] on the need to improve wireless 9-1-1 indoor location accuracy, the Commission declined to impose retroactive requirements on existing wireless home phones but accepted much of the November 18, 2014, roadmap for wireless 9-1-1 improvements, including the following with regard to wireless home phone products:

> To the extent that a carrier plans to introduce new wireless consumer home products, such carrier agrees to introduce such products that will provide dispatchable location within 18-24 months of the date of the Agreement. Products not installed by carrier representatives may require the customer to input dispatchable location data (e.g., apartment number) into the product or device.[10]

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[7] It should be noted that in Texas, the two AT&T trial alternatives in GN Docket No. 13-5 (AT&T U-Verse and AT&T Wireless Home Phone) are arguably not subject to any Public Utility Commission of Texas wireline 9-1-1 regulations.

[8] FNPRM at ¶225.

[9] *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, Fourth Report and Order (rel. Feb. 3, 2015).

[10] 4th R&O at fn 94.

However, the Commission's limitation to "new" wireless home phone products in the 4th R&O should not be dispositive when carriers seek approval for large-scale wireline discontinuances because the circumstances in a "forced" large-scale discontinuance also include additional considerations that can be viewed as vastly different from the "voluntary" wireless consumer choices addressed in the 4th R&O.

AT&T has repeatedly recognized in GN Docket No. 13-5 that residential and small business consumers cite 9-1-1 limitations as one of the major reasons for not "voluntarily" switching to wireless home phones as a wireline replacement: "As in prior reports, customers who declined to migrate to [wireless home products] expressed concerns regarding 911 calls and compatibility with medical devices, home security alarms and fax machines."[11] For wireline residential and small business customers, "dispatchable address" is the current standard for routing and location display of a wireline 9-1-1 call.

In Texas, by virtue of using wireline Emergency Services Numbers ("ESNs") that have been specifically pre-provisioned and matched with the wireline ESNs for purpose of Interconnected VoIP 9-1-1 calls, these Interconnected VoIP 9-1-1 calls achieve wireline 9-1-1 equivalent functionalities that include indicating the appropriate emergency responders for the area from which the call originated – which is in stark contrast to the "verify, verify, verify" approach traditionally associated with wireless 9-1-1 calls.[12] "Adequate substitute" criteria must

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[11] *Technology Transitions*, GN Docket No. 13-5, AT&T Notice of Ex Parte Communications at slide 9 (Oct. 6. 2015) ("AT&T Ex Parte") (available at http://apps.fcc.gov/ecfs/comment/view?id=60001301411).

[12] The Texas 9-1-1 Entities recognize that, from a 9-1-1 perspective, large enterprise and large Multi-Line Telephones Systems ("MLTS") customers would not appear to be candidates for wireless home phone solutions. As AT&T stated in its recent *ex parte* filing, "In the near future, AT&T will begin to offer an enhanced U-verse service ***that will increase the number of addressable small business accounts*** in the trial wire centers that can migrate to an AT&T IP voice service." *AT&T Ex Parte*, at p. 2 (emphasis added). Moreover, there are long-identified wireline 9-1-1 issues associated with MLTS that would make considerations of this issue complex, even if it factually could become a 9-1-1 issue of concern at some point. Therefore, as not to divert Commission attention and resources to a possibly speculative issue, large enterprise and large MLTS solutions are not addressed further in this filing.

include, at a minimum, dispatchable address and associated wireline 9-1-1 equivalent functionalities, at parity with how Interconnected VoIP 9-1-1 has been deployed in certain areas.

It would be contrary to the public interest for the Commission to "force" residential and small business consumers to lose existing wireline 9-1-1 levels of service. At a minimum, a requirement for all "substitute services" to include a "dispatchable address" and its associated wireline 9-1-1 equivalent functionalities is reasonable in order for the substitute service to be deemed "adequate."

B. The Commission must adopt the recommendations brought forward by the Texas 9-1-1 Entities to reasonably and fairly provide standard minimum transition periods for forced discontinuance of core 9-1-1 network services and components.

In the FPNRM, the Commission, consistent with its initial conclusion regarding the importance of the ability of consumers to contact 9-1-1 and reach the appropriate PSAP, and for that PSAP to receive accurate caller location information, also asked:

> Further, what considerations should be applied to discontinuance of 9-1-1 network services and components, such as trunks and selective routers, that support the capability of individual consumers to effectively reach 9-1-1? We observe that, without ensuring adequate service to PSAPs, residential 9-1-1 service could be negatively affected.[13]

Discontinuation of 9-1-1 network services and components cannot reasonably be expected to occur as a flash-cut change. In an earlier phase of these proceedings and in another Commission proceeding, the Texas 9-1-1 Entities brought forth specific considerations for the necessary minimum transition period, as follows:

> Under these potential circumstances, where requested by PSAPs or 9-1-1 authorities, it is reasonable for the Commission as a general rule to require that there will be an "available" minimum transition period of 18 to 24 months with an additional option for a 12-month extension before a legacy 9-1-1 selective router may be discontinued—unless the applicable PSAPs or 9-1-1 authorities specifically request or voluntarily agree in writing to a shorter minimum period.

[13] FNPRM at ¶225.

> Depending on the specific facts and circumstances presented to the Commission by the interested parties with regard to a legacy 9-1-1 selective router discontinuance, it is possible that an extension beyond the time period in the general rule may be appropriate.[14]

The Texas 9-1-1 Entities again urge the Commission to address 9-1-1 discontinuance in the manner suggested above and as expressed in our earlier comments. Alternatively, if the Commission decides not to address 9-1-1 discontinuance in the manner suggested, it remains essential for the Commission to resolve this issue without further delay, in order to provide much needed certainty to both local exchange companies ("LECs") subject to Section 214 and 9-1-1 authorities alike, as each transitions to IP networks.

The absence of those clear considerations for the discontinuance of 9-1-1 network services and components could lead to an unfounded and unrealistic assumption on the part of 9-1-1 authorities that the Commission would never approve such a discontinuation until the 9-1-1 authority, as opposed to the LEC, is ready to transition away from the legacy 9-1-1 network services and components. Similarly, the absence of those clear considerations could lead to an unfounded and unrealistic assumption on the part of the LECs that, as a general rule, the Commission would be expected to approve a requested discontinuance upon only sixty days of notice to the applicable 9-1-1 authorities.

Providing clear up-front guidance and establishing realistic expectations will lessen the potential for possible material complications when LECs seek approval for large-scale discontinuances of 9-1-1 network services and components. Accordingly, the Texas 9-1-1 Entities again request that the Commission provide, as a general rule, that there will be an

[14] *In the Matter of Technology Transitions*, CC Docket No. 13-5, Initial Comments of Texas 9-1-1 Entities at 4-5 (Feb. 5, 2015) (available at http://apps.fcc.gov/ecfs/document/view?id=60001027137); *see also, In the Matters of 911 Governance and Accountability Improving 911 Reliability,* PS Docket No. 14-193, PS Docket No. 13-75, Initial Comments of Texas 9-1-1 Entities at 12-13 (Mar. 23, 2015) (available at http://apps.fcc.gov/ecfs/document/view?id=60001041278).

available minimum transition period of 18 to 24 months, with an additional option for a 12-month extension before a legacy 9-1-1 selective router may be discontinued – unless the appropriate 9-1-1 authority specifically requests or voluntarily agrees in writing to a shorter minimum period.

II. Conclusion

The Texas 9-1-1 Entities appreciate the opportunity to provide these initial comments on these important matters, and respectfully request that the Commission take action consistent with these initial comments.

Respectfully submitted,

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